



Entered on Docket  
August 23, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegle", is written over a horizontal line.

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection  
Of USACM Trust To Proofs Of Claim  
Based Entirely Upon Investment In The  
Fiesta Murietta Loan**

Hearing Date: July 26, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Fiesta Murietta Loan ("Margarita Annex Loan") [DE 8470] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no responses to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing the Fiesta Murietta Loan; and good cause  
2 appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8470] is sustained; and  
5 2. The claims listed on **Exhibit A** attached, are disallowed in full because those  
6 claims are based entirely upon an investment in the Fiesta Murietta Loan.  
7

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9  
10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker  
12 Robert M. Charles, Jr.  
13 John Hinderaker (*pro hac vice*)  
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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker.

Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
Fiesta Murrieta  
Single Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount Relating to the Fiesta Development - Murrieta Loan</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Fiesta Development - Murrieta Loan</b>
10725-01585	12/8/2006	Beaulieu, Jack J Revocable Living Trust Dtd 9/1/9	Jack J Beaulieu Trustee 2502 Palma Vista Ave Las Vegas, NV 89121	37,500.00	37,500.00
10725-00425	10/4/2006	Copple, Lois	3660 Grand Ave Des Moines, IA 50312	50,000.00	50,000.00
10725-00907	10/31/2006	Joyce E Smith Trust Dated 11/3/99	C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	101,981.98	101,981.98
10725-00753	11/9/2006	Layne Family Trust	Bruce & Sherry Layne C/O Lawrence D Rouse Esq 523 S 8Th St Las Vegas, NV 89101	240,000.00	240,000.00
10725-01592	12/8/2006	Mayo, Monroe	8635 W Sahara Ave #532 Las Vegas, NV 89117	5,000.00	5,000.00
10725-00435	10/4/2006	Reiner Roth, Robert J IRA	4643 Cordoba Way Oceanside, CA 92056-5105	29,961.29	29,961.29
10725-01413-2	1/11/2007	Wildwater Limited Partnership, The	C/O Eric Ronning P.O. Box 7804 Incline Village, NV 89452	88,605.00	88,605.00

**EXHIBIT A**

2404512.1